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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,055	03/24/2005	Michael Harris	124-1111	1768

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

BRAINARD, TIMOTHY A

ART UNIT	PAPER NUMBER
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3662

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/529,055	Applicant(s) HARRIS ET AL.	
	Examiner Timothy A. Brainard	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/10/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>PTO-1449</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehbets et al (US 5949531). Ehbets teaches a (claim 1) bistatic radar device comprising a transmit channel for forming a focused transmit beam, a receive channel for forming a focused receive beam, where the device is arranged such that the focus of the transmit beam and the focus of the receive beam fall on a common axis, (claim 2) the transmit channel configured to form a focused transmit beam and having one lens, (claim 6) and a receive channel comprising a second optical arrangement configured to form the focused receive beam and having at least one lens (col 5, lines 1-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehbets et al as applied to claim 2 above, and further in view of Neukermans et al (US 2002/0164110). Neukermans teaches a (claim 3) laser radiation passing to the optical

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arrangement via an optical fiber, (claim 4) the transmit beam adjustable by variation of relative position of the first optical arrangement of the first optical arrangement, and (claim 5) the exit aperture linearly translatable with respect to the first optical arrangement (paragraph 9). It would have been obvious to modify Ehbets to include a laser radiation passing to the optical arrangement via an optical fiber, the transmit beam adjustable by variation of relative position of the first optical arrangement of the first optical arrangement, and the exit aperture linearly translatable with respect to the first optical arrangement because each is one of multiple design changes with no new or unexpected result.

Claim 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehbets as applied to claim 6 above, and further in view of Neukermans (US 2002/0164110). Neukermans teaches (claim 7) the second optical arrangement configured to couple received radiation in to a receiving optical fiber (paragraph 9). It would have been obvious to modify Ehbets to include the second optical arrangement configured to couple received radiation in to a receiving optical fiber because it is one of multiple design choices with no new or unexpected result. Ehbets teaches the focus of the receive beam adjustable by variation of relative position of the second optical arrangement, and the entry aperture linearly translatable with respect to the second optical arrangement (col 5, lines 1-18). Heukeramans teaches the transmit optical fiber linearly translatable along the optical axis of the first optical arrangement and the entry aperture of the receive optical fiber linearly translatable along an axis arranged at a predetermined angle. It would have been obvious to modify Ehbets to include the

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transmit optical fiber linearly translatable along the optical axis of the first optical arrangement and the entry aperture of the receive optical fiber linearly translatable along an axis arranged at a predetermined angle because it is one of multiple design choices with no new or unexpected result.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehbets and Neukermans as applied to claim 10 above, and further in view of Ortyn et al (US 2002/0093641). Ortyn teaches the predetermined angle calculated from the inverse tangent of the ratio of the separation of transmit channel and receive channel (paragraph 195 and figure 1). It would have been obvious to modify Ehbets and Neukermans to include the predetermined angle calculated from the inverse tangent of the ratio of the separation of transmit channel and receive channel because it is one of multiple design choices with no new or unexpected results.

Claim 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Ehbets as applied to claim 1 above, and further in view of Tocker et al (US 5280332). Tockers teaches (claim 12) a laser device with at least one additional channel (figure 1 item 64 and 64'). It would have been obvious to modify Ehbets to include a laser device with at least one additional channel because it is one of multiple design choices with no new or unexpected results. With respect to claim 13, Ehbets teaches the at least one additional receive channel arranged to intersect the focus of the transmit beam within the operable distance range of the device (col 5, lines 1-18).

Claim 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehbets as applied to claim 1 above, and further in view of Holton (US 2002/0075472).

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Holton teaches of the device configured to interact with a soft target or a distributed target (paragraph 3). It would have been obvious to modify Ehbets to include the device configured to interact with a soft target or a distributed target because it is one of multiple design choices with no new or unexpected results.

Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Ehbets as applied to claim 1 above, and further in view of Evans et al (US 6323941). Evans teaches a transmit beam formed from radiation having a wavelength in the region of 1.55 micrometers (col 10 39-31). It would have been obvious to modify Ehbets to include a transmit beam formed from radiation having a wavelength in the region of 1.55 micrometers because it is one of multiple design choices with no new or unexpected results.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy A. Brainard whose telephone number is (571) 272-2132. The examiner can normally be reached on Monday - Friday 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAB


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